



February 25, 2022

The Honorable Kumar P. Barve, Chair
House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

Support: HB 402 – Department of Environment - Enforcement Authority

Dear Chair, Barve and Committee Members:

The NAIOP Maryland Chapters representing more than 700 companies involved in all aspects of commercial, industrial and mixed-use real estate. NAIOP supports HB 402 as introduced.

HB 402 reconciles inconsistencies that have existed since MDE was created by combining separate agency functions some of which had been enforced using administrative actions and others that relied on civil citations.

We see the bill as equalizing enforcement mechanisms across a broad set of permitted activities. Where it adds administrative penalties to MDE's enforcement options, the underlying requirements remain the same. The administrative penalties are added in situations where similar regulations already feature administrative penalties as an enforcement option.

While it is good government to make enforcement more consistent, the new administrative penalties do reduce the opportunity cost of taking enforcement actions through litigation and provide a new authority that should be used prudently.

For these reasons NAIOP respectfully requests your favorable report on HB 402

Sincerely;

A handwritten signature in blue ink that reads "T.M. Ballentine". The signature is written in a cursive style and is positioned above the typed name of the sender.

Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters - *The Association for Commercial Real Estate*

cc: House Environment and Transportation Committee Members
Nick Manis – Manis, Canning Assoc.